

## REMARKS

### I. 35 U.S.C. § 112, ¶ 2 Rejection

The Applicant appreciates the Examiner's decision to withdraw the 35 U.S.C. § 112 rejection as indicated in the Advisory Action. The Applicant's amendment, however, has now rendered this issue moot.

### II. 35 U.S.C. § 103(a) Rejection

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,504,894 to Ferguson in view of U.S. Patent 6,067,457 to Erickson. The Applicant respectfully submits that claim 1, as amended, now fully distinguishes over the prior art, and thus pending claims 1-4, 8 and 9 are allowable.

#### A. Ferguson

In Ferguson, resources are allocated based on priorities assigned in accordance with estimated values for the class performance indices of each possible routing decision for the transaction. This is a predictive process.

By way of contrast, amended claim 1 includes "... dynamically assigning a priority to each of a plurality of request queues ... in accordance with a moving average resource allocation to each of said respective request classes..."(emphasis added). As set forth in applicant's specification at page 5, lines 8 - 10, "average resource allocation is the proportion of time the shared resource has been assigned to requests of this class relative to other classes."

In Ferguson, resource usage is a predicted or estimated quantity on which a transaction routing decision is made. According to Applicant's claimed invention, priorities are assigned taking into consideration resources that have already been allocated to a class. Specifically, whereas Ferguson teaches assigning a priority to each route based on predicted class performance indices, the Applicant's invention assigns a priority to each queue based on the proportion of time the shared resource has been assigned to the respective request class for that queue. To put it simply, Ferguson says "if this route is going to use too many resources, I won't take it", whereas the Applicant's invention says "if this class is already using too many resources, I will reduce its priority to access additional resources."

For at least this reason alone, the Application submits that amended claim 1, and all claims depending therefrom, are in condition for allowance.

#### **B. Erickson**

Erickson is cited for teaching dynamic adjustment (i.e. increasing/decreasing) of the priority of a call to manage currently allocated resources (Erickson, abstract, Col. 6, lines 40 - 58).

In the Advisory Action, the Examiner indicated that Erickson teaches the DAP may want to decrease/increase the priority of a call which has been active for longer than 30 seconds, and decreasing priority of the call as a function of time in progress. The Examiner also asserts that given the assumption that no resources are unlimited, the increase of resource allocation (i.e. the longer a call is active, the more resources are consumed by the call) would result in a decrease in the call priority.

The Erickson reference refers in particular to a call that is active (already having had a voice channel assigned). Thus, the priority of the active call is increased or decreased based on the length of time that the call is active. Erickson thus teaches increasing or decreasing the priority of only the active call. This has absolutely nothing to do with dynamic assigning of priority to each of a plurality of request queues associated with respective ones of said request classes, as recited in amended independent claim 1. The Applicant therefore respectfully disagrees with the Examiner's assertion that Erickson teaches or suggests "dynamically assigning a priority to each of a plurality of request queues associated with respective ones of said request classes."

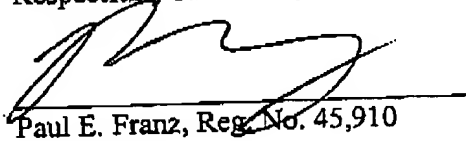
Moreover, inasmuch as there is no teaching or suggestion of assigning priorities to request queues, as in applicant's invention, there can be no teaching of effecting such priority assignment "in accordance with a moving average resource allocation" as recited in applicant's amended claim 1.

For at least this reason alone, the Application submits that amended claim 1, and all claims depending therefrom, are in condition for allowance.

### III. Conclusion

For either of the reasons provided in sections II.A and II.B above, the Application submits that amended claim 1, and all claims depending therefrom, are in condition for allowance, and the issuance of a Notice of Allowability is respectfully requested.

Respectfully submitted,



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